

INSTRUCTION 16-6 ANSWER TO COMPLAINT FOR EVICTION

You Must Read Prior to Filing:

- When you represent yourself in a court case you are held to the same standard as an attorney.
- Your preparation, paperwork and your conduct at all hearings and/or trial must comply with court rules and orders.
- Lack of legal knowledge may cause you to make serious errors in handling your case.
- These instructions are not a substitute for legal advice.
- The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result.
- You should always talk to a lawyer about your legal problems before filing any legal paperwork.
- Even if you do not hire a lawyer to appear in your case, a lawyer can give you information about your rights.

If you choose not to represent yourself you can contact the Idaho State Bar Lawyer Referral Service at (208-334-4500) or online at www.idaho.gov/isb for a referral to a licensed attorney. You can get general information on landlord/tenant law on-line at <http://www3.state.id.us/cgi-bin/newidst?sctid=060030020.K>.

- This form is to be used only in response to a complaint filed against you by your landlord or your landlord's agent.
- Use this form only if you deny part or all of the complaint filed against you.
- When completing this form you must answer each paragraph on the Plaintiff's (landlord) Complaint by either admitting the full allegation, denying in the full allegation or specifically admitting/denying part of the allegation.
- The Complaint must be in front of you when you complete this form. Please read the Complaint and the questions on this form completely and carefully.

You will be preparing the following form:

- ☐ Answer to Complaint for Eviction (CAO 16-6)

Note: Fill in the form by typing or by printing neatly and legibly in black ink. **Always keep a copy of the completed form for your records. Be sure to take your copy with you when you go to court.**

Complete the following steps in order.

Step 1.

- Answer to Complaint for Eviction (CAO 16-6)

- On the first page in the upper left corner, fill in your full legal name, mailing address and telephone number.
- The Court Heading. Fill in the county and judicial district (for example, “In the District Court of the Fourth Judicial District, in and for the County of Ada”).
- The Case Caption. Fill in each tenant and any sub-tenant’s full legal name on the line above “Defendant” and the landlord’s full legal name on the line above “Plaintiff”.
- The Case Number. Fill in the Case Number as it is written on the Complaint.

Note: The Court Heading, Case Caption and Case Number is the same on all court documents prepared for this case.

- Write in the you/re names (as the Defendant(s)). Fill in the words “Complaint for Eviction.”
- In paragraph 1, write the number of each paragraph that you admit is true. (If there are not any true paragraphs write “none”.)
- In paragraph 2, write the number of each paragraph that you deny. (If you can not deny any of the paragraphs write “none”.)
- In paragraph 3, write the number of each paragraph that you can not admit or deny because you do not have enough information.
- In paragraph 4 and 5, check the box if you deny a portion of any of the paragraphs from paragraph 3. If you deny anything, write the paragraph number from the Complaint, and write what part you deny from the paragraph.
- In paragraph 6, read each Defense statement and determine if the statement fits your situation. Place a check mark in the box(es) beside every defense you claim.
- Leave the date and signature lines blank.
- Pre-complete the Certificate of Service.
- Fill in Plaintiff’s or Plaintiff’s attorney’s name and address.
- Check how you will serve (deliver) your Answer.

Note: If an attorney represents the landlord you will serve the attorney.

- Locate a Notary Public.
- Sign the Answer to Complaint for Eviction in front of the Notary and have your signature Notarized.
- Make two copies. One for your records and one to serve on the Plaintiff or the Plaintiff’s attorney.

Step 2.

- File the Answer to Complaint for Eviction.
 - Go to the window in the Court Clerk's Office.
 - Ask the Court Clerk to file the Answer.
 - Give the Court Clerk the following:

- Filing fee (\$52 dollars as of 7/1/2005) payable in cash or money order, not by personal check
- Answer to Complaint for Eviction and **all** copies

Note: The Court Clerk will keep the original and will stamp your copies with the time and date you filed the Answer.

Step 3.

Serve the Answer on the Plaintiff or Plaintiff's attorney. Deliver the landlord's copy of your Answer the way you indicated on the Certificate of Service.

Step 4.

- The Trial.
 1. Be on time for your trial. Allow extra time to find parking.
 2. Dress neatly.
 3. No food or drinks are allowed in the courtroom.
 4. It is not advisable to bring your children. Ask someone to watch them for you.
 5. Report to the courtroom you are assigned to.
 6. Review your paperwork before the trial. Be familiar with your papers. You may use written notes or an outline during the trial. Stick to the facts. Do not ramble when offering evidence to support your side of the story.
 7. When the judge calls your case, stand up to let the judge know you are in the courtroom. The judge will tell you to come forward.
 8. The judge will ask you and the Plaintiff to make an opening statement. This should be a brief statement that tells the judge what your defense is. You can refer to your Answer of Complaint for Eviction you filed. The Plaintiff goes first because they filed the case, followed by you.
 9. After opening statements, the Plaintiff can call their witnesses. After each witness has testified, you may ask questions of each witness (cross-examination). The Plaintiff may then ask the witnesses follow-up questions. You can have witnesses of your own (you can call yourself as a witness).
 10. When the judge asks you questions, be direct with your answers. If you don't know an answer admit that you do not know the answer. Do not be afraid to admit that you do not know something.
 11. Take your time when answering questions. Give the question as much thought as you need to understand it and formulate your answer. You may be ordered to explain your answer.
 12. Be respectful and courteous with the court. Always address the judge as "Your Honor". Do not interrupt. If something needs to be clarified, wait until it is your turn to speak or ask to speak again.
 13. Be sincere. Do not be sarcastic or argue with the court or the other party. Stay calm.
 14. If you are stating dates, times and places, etc. be exact. If you cannot be exact, make

- it understood that you are only estimating.
15. Speak clearly and distinctly, using words, phrases and terminology that you understand. Keep your hands away from your mouth and speak loudly enough so the judge can easily hear you.
 16. Remain polite to the judge after the ruling. The judge must sign an order before it becomes effective.
 17. You may bring a friend for moral support. That person must remain silent.
 18. Avoid laughing or talking about the case in the hallway or restrooms of the courthouse in such a way that the other party and counsel and witnesses for the other party may see you or hear you.

Note: These rules apply to attorneys and you must follow them as well.

Note: If you not attend trial you will lose your right to present testimony.

- After Trial.
 - If the judge rules in the Plaintiffs favor, he/she will sign the Judgment and Order of Eviction.
 - The Court Clerk will give you a conformed copy at the trial end.
 - If you do not leave the rental property and remove your belongings the Plaintiff will have the Court Clerk issue a Writ of Restitution of Premises directing the Sheriff to remove you and your belongings from the rental property.

ALWAYS KEEP A COPY OF YOUR COMPLETED FORMS FOR YOUR RECORDS!